

PROB 12C
(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

DEC 14 2016

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY JP
DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Omar Rico-Ramirez Case Number: DR-16-CR-00260 (01)
 Name of Sentencing Judicial Officer: Honorable Ivan L.R. Lemelle, Senior United States District Judge
 Date of Original Sentence: October 12, 2016
 Original Offense: 8 U.S.C. § 1326 – Illegal Re-Entry Into the United States
 Original Sentence: Time Served (8 months and 7 days) imprisonment and 3 years of supervised release
 Type of Supervision: Supervised release Date Supervision Commenced: October 12, 2016 ✓
 Assistant U.S. Attorney: Amy Marie Hail Defense Attorney: Christina M. Norton

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

- | <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--|
| 1. | Mandatory Condition No. 1. The defendant shall not commit another federal, state, or local crime during the term of supervision. |
| 2. | Standard Condition No. 19. If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant lawfully reenters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office. |

On November 10, 2016, Omar Rico-Ramirez, an alien and citizen of Mexico, was found in the United States having been previously denied admission, excluded, deported or removed from the United States on or about October 13, 2016, and the offender had not received the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, the successor for this function pursuant to 6 U.S.C. §§ 202(3), 202(4), & 557, to reapply for admission, being voluntarily in the United States in violation of 8 U.S.C. § 1326(a) & (b).

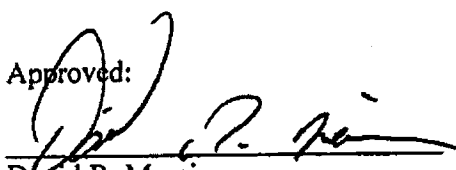
On November 10, 2016, United States Border Patrol agents encountered the offender in Hebbronville, Texas. During questioning, the offender was identified as a citizen of Mexico, illegally present in the United States. He was arrested and transported to the Hebbronville Border Patrol Station for processing. On November 11, 2016, a criminal complaint was filed in the United States District Court, in the Southern District of Texas, Laredo Division, under Docket No. 5-16-mj-01512-1. The offender is in custody, and the case remains pending.

U.S. Probation Officer Recommendation:


The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for _____ years for a total term of _____ years
- ☐ The conditions of supervision should be modified as follows:

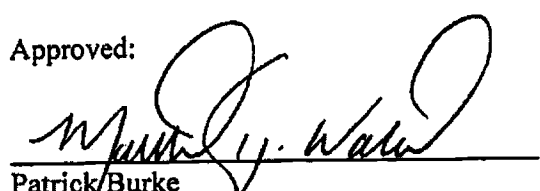
Approved:


David R. Mercier
Supervising U.S. Probation Officer

Respectfully Submitted,


Andrew J. Gonzales
Senior U.S. Probation Officer,
Date: November 29, 2016
Telephone #: 830-703-2089, ext. 6135

Approved:


Patrick Burke
Assistant U.S. Attorney

cc: Victor Calderon
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

☐ No action.

☒ The issuance of a WARRANT. Bond is set in the amount of \$ Defendant cash/surety with supervision by the United States Probation Office to continue as a condition of release.

☐ The issuance of a SUMMONS.

☐ Other _____



Honorable Ivan L.R. Lemelle
Senior U.S. District Judge

12-8-16

Date